



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

(508) 430-750-7538 FAX: (508) 430-7531

HARWICH CONSERVATION COMMISSION

WEDNESDAY AUGUST 17, 2016

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL
6:30 PM

MINUTES

PRESENT: Walter Diggs; Carolyn O'Leary; John Rossetti; Ernie Crabtree; Rob Mador, and Conservation Administrator, Amy Usowski. Brad Chase joined the meeting at 6:45 PM.

NOTE: Commissioner Ernie Crabtree having missed one Harwich Conservation meeting, signed an affidavit that he had reviewed all pertinent information and is eligible to vote this evening for the 59 North Westgate project.

Commissioner John Rossetti having missed two consecutive Harwich Conservation Commission meetings is required to abstain from voting this evening for the 59 North Westgate Project.

CALL TO ORDER

6:30 PM by Chairman, Walter Diggs

HEARINGS

NOTICES OF INTENT:

6:30 William Jusilla, 59 North Westgate Road, Map 78, Parcel G2-1 - Construct single family dwelling (Continued from 8-3-2016).

Presenter: William Jusilla

Mr. Jusilla stated that a new plan, including driveway plan and topography plan, had been presented to the HCC.

Amy Usowski added that she had reviewed the plan with its contours and the tightening up of the work area. She stated that Natural Heritage approval has been received. She recommends approval of the project.

Motion made by Ernie Crabtree to approve the project at 59 North Westgate Road. Seconded by Rob Mador. Vote: 4-0-1.

6:35 Ernest & Linda Crabtree, 176 Great Western Rd - Install dock 36' into Sand Pond.

NOTE: Mr. Crabtree recused himself from voting, but presented the project to the Commission as a private citizen.

Mr. Crabtree explained that currently there are two 10' sections that extend out into the pond and one 10' x 34' section that is the "T" of the dock. The total length now is about 23' which has been there since before the Wetlands Act or the Town By Law. Mr. Crabtree would like the new dock to be four 4' x 8' long sections extending out into the pond and one 4' x 8' section acting as the "T" for a total length of 36'. Mr. Crabtree stated that he has met with Harbormaster Rendon and that Mr. Rendon has no issues as it is a replacement dock.

Amy Usowski stated that the new aluminum dock meets the state regulations for being at least 25' from the property lines and also meets Town Regulations for being 65' from any adjacent structures. The dock would be removed in the off season and stored in the upland. She also stated that there is no need for Waterways Committee approval.

Motion made by Carolyn O'Leary to approve the project for 176 Great Western Road. Seconded by Rob Mador. Vote: 4-0-1 with Ernest Crabtree abstaining.

7: 00 Terence & Pamela McDermott, 151 Gorham Road, Map 24, Parcel R1-1 - Restoration and mitigation of unauthorized cutting of vegetation within land subject to coastal storm flowage and the buffer zone in a bordering vegetated wetland,

Presenters: Theresa Sprague - BlueFlax Landscape Design and Atty. Bill Reilly

Ms. Sprague explained that the McDermotts hired a landscape company to remove one dead tree and prune back from their pool fence. The landscape company did much more cutting than they were instructed, made a mess and left it there. When the McDermotts realized what had been done they contacted Amy Usowski and Theresa Sprague.

Ms. Sprague has submitted a comprehensive plan for:

- Restoring previously cleared area
- Removing vegetation debris from cleared area
- Restoring appropriate native plant species within the cleared area
- Creating vertical layers of vegetation with appropriate native shrubs and ground cover species

Amy Usowski stated that the cutting should not have been done without a permit. The landscaper tore up the backyard and that the McDermotts have been proactive in involving her. She said she approves the plan presented by Theresa Sprague of BlueFlax and recommends approval of the project.

Rob Mador asked the name of the landscape company involved. Atty. Reilly said that the landscaper did not realize it was a wetland area, but did provide the HCC with the name of the offending landscaper.

Motion made by Brad Chase to approve the plan for 151 Gorham Road. Seconded by Carolyn O'Leary. Vote: 5-0-1.

CHANGE OF PLANS

7:15 Douglas Murphy, 22 Kevin Road, Map 81, Parcel A49 (SE 32-2256)

Amy Usowski said she recommends approval of the change of plans for 22 Kevin Road as there is no change in the footprint. The plan only needs to reflect that the sun porch is being insulated to make it usable year round.

Motion made by Ernie Crabtree to approve the Change of Plan for 22 Kevin Road. Seconded by Rob Mador. Vote: 5-0-1.

SHOW CAUSE HEARING

7:20 Jeffrey Eldredge, 9 Cranberry Trail - Doing work on a parcel of land that does not belong to him as per Town Assessing Records, within the buffer zone to an Isolated Vegetated Wetland.

No representatives present. Need for more information.

Motion made by Carolyn O'Leary to continue the Show Cause Hearing for 9 Cranberry Trail to September 9 2016. Seconded by Brad Chase. Vote: 5-0-1.

AMENDED ORDER OF CONDITIONS

7:30 Stevens Wequasset Trust, 19 Wequasset Road, Map 5, Parcel K1-41 (SE 32-2214) - Changes to hardscape amenities during construction, construction of the parking/turning area north of the driveway, the outdoor shower and utilities area on the north side of the house, and a minor change to the landscape design. (Continued from 8-3-2016).

Presenter: Arlene Wilson - A. M. Wilson Assoc.

Ms. Wilson explained the changes and reduction of hardscape.

Amy Usowski said she reviewed the video tape of the last meeting and also did a site visit. She said she still recommends making an Amended Order of Conditions to the plan of record requiring enforcement of the removal of the underground irrigation system by a certain date and impose a one time fine. No use of irrigation between now and removal, move and cap heads, rather than removal of all the lines and disconnect from the main source). She said she would recommend allowing above the ground drip irrigation for two growing seasons.

Rob Mador asked how an underground irrigation could be permitted. Ms. Usowski said that a separate application would be required asking for a variance which is not typically approved by the HCC.

Discussion of underground irrigation.

Carolyn O'Leary commented that some plantings did not look native. Ms. Usowski explained the mix which she said is allowed. The plants were permitted that are there. Monitoring reports over the next two years are required.

Ernie Crabtree said that he has an issue with monitoring when they willfully installed the irrigation.

John Rossetti asked what HCC has demanded of others in similar cases.

Ms. Usowski stated that it has been required that the irrigation system be ripped out entirely and disconnected.

Mr. Rossetti stated that he would like a plumber to sign off on the work done to disconnect the irrigation system.

Motion #1 made by Ernie Crabtree to issue an Amended Order of Conditions and issue an enforcement order to remove the underground irrigation by October 1, 2016, and issue a fine for \$300. Motion #2 made by Ernie Crabtree that additionally, if the irrigation is not removed by October 1, 2016, that a \$300 per day fine be issued every day after October 1, 2016. Seconded by Rob Mador. Vote: 5-0-1.

ORDER OF CONDITONS:

7:45 Arthur J. & Karen Boujoukos, 39 Rainbow Way, Map 73, Parcel L201 – Proposed additions and renovations to the existing dwelling and the installation of an upgraded septic system. Work will take place in the 50’ buffer zone to a bordering vegetated wetland.

Motion made by Brad Chase to approve the Order of Conditions for 39 Rainbow Way. Seconded by Ernie Crabtree. Vote: 5-0-1.

7:50 David Handren, 10 Island Pond Road, Map 40 Parcel H1 – Remove existing house and accessory buildings; construction of new single family house with attached garage.

Motion made by Ernie Crabtree to approve Order of Conditions approved at the last HCC meeting pending Natural Heritage approval (which has now been received). Seconded by Carolyn O’Leary. Vote: 5-0-1.

CERTIFICATE OF COMPLIANCE

7:58 4 Chase Street, Map 4, Parcel N3-B (SE 32-2243) – Constructing pavestone walls and planting shrubs, trees and perennials.

Motion made by Brad Chase to indefinitely continue Certificate of Compliance for 4 Chase Street with irrigation at 4 Chase Street to be removed by September 15, 2016. Seconded by Rob Mador. Vote: 5-0-1.

6 Saquatucket Point, Map 8 Parcel G1-9 (SE 32-1874) – Proposed bulkhead replacement, maintenance dredging and 2 float additions and landscaping (Continued from 7-6-16).

Presenter: Don Munroe – Coastal Engineering

Mr. Munroe stated that the third float has been removed.

The Commission questioned whether the additional floats were ever properly permitted. There is evidence of discussion of them, but no plans.

Ms. Usowski said the other two floats remain as permitted and that it now meets regulations. Hopefully the “As Built” will become the plan of record. No reference plan on Order of Conditions.

Motion made by Carolyn O’Leary to make the new plan for two floats the Plan of Record for the Certificate of Approval in this instance for 6 Saquatucket Point. Seconded by Ernie Crabtree. Vote: 5-0-1.

MINUTES

Minutes of July 20, 2016

Motion made by Ernie Crabtree to approve the Minutes of July 20, 2016 with edits. Seconded by Brad Chase. Vote: 6-0-0.

Minutes of August 3, 2016

Motion made by Carolyn O’Leary to approve the Minutes of August 3, 2016 with edits. Seconded by Brad Chase. Vote: 5-0-1.

DISCUSSION

- New agricultural infraction at 35 Chatham Road. Ongoing investigation by Amy Usowski, Building Inspector, Health Inspector and Animal Control Officer.
- RFP for Bells Neck Bogs – Postponed to future meeting.
- Irrigation and fertilizer policy discussion to be put on future agenda.

ANNOUNCEMENTS

- BOS reviewing job description for Assistant Conservation Agent Monday, August 22, 2016.
- Walter Diggs and Amy Usowski to give review of HCC to BOS on Monday, September 26, 2016.
- Thompson’s Field – Walk of perimeter planned for Friday, August 19, 2016 at 10:00 AM

ADJOURN

Motion Made by Brad Chase to adjourn at 8:30 PM. Seconded by Carolyn O’Leary. All in Favor.

Minutes transcribed by Board Secretary, Marie Hickey

**SIGN IN SHEET
Donn B. Griffin Room
August 17, 2016**

William J. Jusilla
Bill Riley
Arlene Wilson
Terence P. McDermitt
Bill Galvin
Don Munroe

49 N. Westgate Road
Atty. - Chatham
A.M. Wilson Assoc., Inc.
151 Gorham Road, Harwichport
Cape Cod Chronicle
Coastal Engineering Co., Inc.